

SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CIS)

Filed: Oct 31, 2007 4:51 PM

Transaction ID 16888602

Case No. 07C-10-303 CLS

COUNTY: N K S

CIVIL ACTION NUMBER: _____

Civil Case Code _____

Civil Case Type _____ CPIA _____

(SEE REVERSE SIDE FOR CODE AND TYPE)

<p>Caption:</p> <p><u>Edward Wisniewski and Mary Wisniewski, Co-</u></p> <p><u>Administrators of the Estate of Eric E.</u></p> <p><u>Wisniewski, Deceased, Plaintiffs,</u></p> <p><u>v.</u></p> <p><u>Ocean Petroleum, L.L.C., and Bruce Predeoux</u></p> <p><u>Defendants.</u></p>	<p>Name and Status of Party filing document:</p> <p><u>Edward and Mary Wisniewski,</u></p> <p>Document Type: (E.G.; COMPLAINT; ANSWER WITH COUNTERCLAIM)</p> <p><u>Complaint</u></p> <p>Non-Arbitration _____</p> <p>(CERTIFICATE OF VALUE MAY BE REQUIRED)</p> <p>Arbitration _____ Mediation _____ Neutral Assessment <u>X</u></p> <p>DEFENDANT (CIRCLE ONE) ACCEPT REJECT</p> <p>JURY DEMAND YES <u>Y</u> No _____</p> <p>TRACK ASSIGNMENT REQUESTED (CIRCLE ONE)</p> <p>EXPEDITED STANDARD COMPLEX</p>
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<p>ATTORNEY NAME(S):</p> <p><u>Marla R. Eskin; Kathryn Schulhaus Keller</u></p> <p>ATTORNEY ID(S):</p> <p><u>DE 2989; 4660</u></p> <p>FIRM NAME:</p> <p><u>Campbell & Levine</u></p> <p>ADDRESS:</p> <p><u>800 N. King St., Suite 300 Wilmington 19801</u></p> <p><u>(302) 426-1900</u></p> <p>TELEPHONE NUMBER:</p> <p><u>(302) 426-9947</u></p> <p>FAX NUMBER:</p> <p><u>meskin@camlev.com</u></p> <p>E-MAIL ADDRESS:</p>	<p>IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER INCLUDING JUDGE'S INITIALS</p> <p>_____</p> <p>EXPLAIN THE RELATIONSHIP(S):</p> <p>_____</p> <p>OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT:</p> <p>_____</p> <p>(IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH PAGE)</p>
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THE PROTHONOTARY WILL NOT PROCESS THE COMPLAINT, ANSWER, OR FIRST RESPONSIVE PLEADING IN THIS MATTER FOR SERVICE UNTIL THE CASE INFORMATION STATEMENT (CIS) IS FILED. THE FAILURE TO FILE THE CIS AND HAVE THE PLEADING PROCESSED FOR SERVICE MAY RESULT IN THE DISMISSAL OF THE COMPLAINT OR MAY RESULT IN THE ANSWER OR FIRST RESPONSIVE PLEADING BEING STRICKEN.

Exhibit A (Continued)**SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CIS)
INSTRUCTIONS****CIVIL CASE TYPE**

Please select the appropriate civil case code and case type (e.g., **CODE - AADM** and **TYPE - Administrative Agency**) from the list below. Enter this information in the designated spaces on the Case Information Statement.

APPEALS AADM - Administrative Agency ACER - Certiorari ACCP - Court of Common Pleas AIAB - Industrial Accident Board APSC - Public Service Commission AUIB - Unemployment Insurance Appeal Board COMPLAINTS CASB - Asbestos CAAA - Auto Arb Appeal * CBEN - Benzene Cases CMIS - Civil Miscellaneous CACT - Class Action CCON - Condemnation CDBT - Debt/Breach of Contract * CDEJ - Declaratory Judgment CDEF - Defamation * CEJM - Ejectment CATT - Foreign & Domestic Attachment CFJG - Foreign Judgment * CFRD - Fraud Enforcement CINT - Interpleader CLEM - Lemon Law * CLIB - Libel * CMAL - Malpractice * CPIN - Personal Injury * CPIA - Personal Injury Auto * CPRL - Products Liability * CPRD - Property Damage * CRPV - Replevin CSBI - Silicone Breast Implant CSPD - Summary Proceedings Dispute CTAX - Tax Appeal CCCP - Transfer from CCP* CCHA - Transfer from Chancery * INVOLUNTARY COMMITMENTS INVC - Involuntary Commitment	MISCELLANEOUS MAFF - Application for Forfeiture MAAT - Appointment of Attorney MGAR - Appointment of Guardianship MCED - Cease and Desist Order MCON - Civil Contempt/Capias MCVP - Civil Penalty MSOJ - Compel Satisfaction of Judgment MCRO - Complaint Requesting Order MCTO - Consent Order MIND - Destruction of Indicia of Arrest MHAC - Habeas Corpus MTOX - Hazardous Substance Cleanup MFOR - Intercept of Forfeited Money MISS - Issuance of Subpoena/Material Witness MMAN - Mandamus MOUT - Out of State Deposition MROP - Petition for Return of Property MROD - Road Resolution MSAM - Satisfy Mortgage MSEL - Sell Real Estate for Property Tax MSEM - Set Aside Satisfaction of Mortgage MSSS - Set Aside Sheriff's Sale MSET - Structured Settlement MTAX - Tax Ditches MREF - Tax Intercept MLAG - Tax Lagoons MVAC - Vacate Public Road MPOS - Writ of Possession MPRO - Writ of Prohibition MORTGAGES MORT - Mortgage MECHANICS LIENS LIEN - Mechanics Lien *
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*** Case types subject to Rule 16.1 - Alternative Dispute Resolution****DUTY OF THE PLAINTIFF**

Each plaintiff/counsel shall complete the attached Civil Case Information Statement (CIS) and file with the complaint.

DUTY OF THE DEFENDANT

Each defendant/counsel shall complete the attached Civil Case Information Statement (CIS) and file with the answer and/or first responsive pleading.

EFiled: Oct 31 2007 4:51P
Transaction ID 16888602
Case No. 07C-10-303 CLS



**THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY**

EDWARD WISNIEWSKI and)	NON-ARBITRATION
MARY WISNIEWSKI, Co-Administrators)	
of the Estate of Eric E. Wisniewski, Deceased,)	JURY TRIAL DEMANDED
)	
Plaintiffs,)	
)	
v.)	C.A. No. 07C-
)	
OCEAN PETROLEUM , L.L.C., and)	
BRUCE PREDEOUX,)	
)	
Defendants.)	

COMPLAINT

AND NOW, come the Plaintiffs, Edward Wisniewski and Mary Wisniewski, Co-Administrators of the Estate of Eric E. Wisniewski, Deceased, by and through their attorneys, Andrew J. Leger, Jr., Esquire, Leger & Ball, P.C. and Marla R. Eskin, Esquire, Campbell & Levine, LLC and file this Complaint upon a set of particulars of which the following is a statement:

1. Plaintiffs, Edward Wisniewski and Mary Wisniewski, husband and wife, are surviving parents and Co-Administrators of the Estate of Eric E. Wisniewski, Deceased (the "Decedent"), and reside at 107 Megan Drive, Bear, Delaware 19701.
2. Defendant, Ocean Petroleum, L.L.C. ("Defendant Ocean Petroleum"), is a Maryland corporation or other legal entity with its principal place of business at 7167 Worchester Highway, Newark, Maryland 21841.
3. Defendant, Bruce Predeoux ("Defendant Predeoux") is, upon information and belief, a citizen of Maryland residing at 29087 Raven Court, Salisbury, Maryland 21801.

4. On or about February 2, 2006, at or about 6:25 a.m., Decedent was traveling in a generally southbound direction on Route 1, approximately 2.4 miles south of the Route 299 on-ramp, near Townsend, Delaware, in a 1989 Ford Econoline 350 six-wheel utility truck owned by his employer, Catts Plumbing Repairs, Inc. Due to a malfunctioning gas gauge, Decedent ran out of gas and was forced to pull onto the shoulder/berm of the roadway on Route 1.

5. Decedent stopped his vehicle leaving the headlights on and activated the flashers and proceeded across the highway to a gas station where he obtained an emergency fuel can.

6. Decedent returned to his vehicle and commenced refueling it while his passenger went behind the vehicle with a flashlight to wave approaching vehicles away from them.

7. Upon refueling the vehicle, Decedent proceeded back to the driver's door.

8. At the same date, time and place, Defendant Predeoux was operating Defendant Ocean Petroleum's 2006 Freightliner tractor hauling a 2002 Heil tanker trailer in the right-hand lane in a generally southbound direction on Route 1, approximately 2.4 miles south of the Route 299 on-ramp.

9. As Defendant Predeoux approached the disabled truck, he swerved to his right leaving his lane of travel and struck the Decedent who was on the shoulder of the road with the tanker truck at approximately sixty-five (65) miles per hour.

COUNT I

**Edward Wisniewski and Mary Wisniewski,
Co-Administrators of the Estate of Eric E. Wisniewski, Deceased,
Plaintiffs v. Ocean Petroleum, L.L.C., Defendant**

10. Plaintiffs hereby incorporate by reference each and every allegation contained in Paragraphs one through nine, inclusive, as if the same had been fully set forth at length herein.

11. At all times material and relevant hereto, Defendant Ocean Petroleum owed a duty to Plaintiffs' Decedent and to all others similarly situated, to exercise due care and caution in the operation of the tanker truck with due regard for the rights and safety of others.

12. Defendant Ocean Petroleum was the owner and/or at all times relevant, had care, custody, control and/or supervision of the aforementioned vehicle.

13. At the time of the accident, the tanker truck that struck Decedent was being operated by agents, servants, workmen and/or employees of Defendant Ocean Petroleum, while doing the business of Defendant Ocean Petroleum, and while acting within the course and scope of their employment and authority.

14. The accident occurred because Defendant Ocean Petroleum's agents, servants, workmen and/or employees operated and directed the tanker truck in such a reckless, careless and negligent manner so as to cause them to lose control of their vehicle, thereby leaving the roadway, striking the Decedent who was properly and permissibly on the shoulder of the highway.

15. That the injuries and ultimately loss of life sustained by Decedent was solely, directly and proximately caused by the recklessness, carelessness and negligence of the Defendant Ocean Petroleum itself acting through the acts and/or omissions of its agents,

servants, workmen and/or employees, acting within the scope of their agency, servitude, workmanship and/or employment and were the direct and proximate result of Defendant breaching its duty of care to the Decedent and that Defendant was negligent in general and with respect to the following particulars:

- (a) driving the tanker truck in a negligent manner;
- (b) driving the tanker truck recklessly, carelessly, negligently and/or imprudently such that it left the roadway and/or lane of travel striking the Decedent;
- (c) in operating the tanker truck at a dangerous and excessive rate of speed;
- (d) driving the tanker truck in a careless, reckless, negligent and/or imprudent manner without due regard for road or traffic conditions in violation of 21 Del. C., §4176(a);
- (e) driving the tanker truck carelessly, recklessly, negligently and/or imprudently without due regard for the safety of persons or property in violation of 21 Del. C., 4175(a);
- (f) in failing to warn Decedent by sounding a horn or otherwise;
- (g) in failing to apply and/or operate the brakes of the tanker truck in such a manner that the tanker truck could be stopped before striking Decedent;
- (h) in failing to have the tanker truck under proper and adequate control;
- (i) in failing to steer the tanker truck in such a manner as to avoid striking Decedent;
- (j) in being inattentive and failing to maintain a sharp lookout of the road and surrounding traffic conditions in violation of 21 Del. C., §4176(b);
- (k) in failing to have the operator of the tanker truck in proper physical condition to operate the vehicle;

- (l) in being drowsy and/or falling asleep at the wheel of the tanker truck thereby causing it to leave the roadway and/or lane of travel thereby striking the Decedent;
- (m) failing to regard the rights, safety and position of the Decedent;
- (n) failing to observe the Decedent in a lawful position upon the highway and/or shoulder/berm of the highway;
- (o) failing to take due notice of the point and position of the Decedent;
- (p) failing to have the driver operate the vehicle so as to avoid striking Decedent;
- (q) in violating the statutes of the State of Delaware relating to the operation of motor vehicles on public thoroughfares;
- (r) in being vicarious liable for the negligence of others, including Defendants' driver;
- (s) in not taking evasive action to avoid hitting Decedent; and
- (t) in operating a vehicle causing death in violation of 21 Del. C., §4176A.

COUNT II

Edward Wisniewski and Mary Wisniewski,
Co-Administrators of the Estate of Eric E. Wisniewski, Deceased,
Plaintiffs v. Bruce Predeoux, Defendant

16. Plaintiffs hereby incorporate by reference each and every allegation contained in Paragraphs one through fifteen, inclusive, as if the same had been fully set forth at length herein.

17. At all times material and relevant hereto, Defendant Predeoux owed a duty to Plaintiffs' Decedent and to all others similarly situated, to exercise due care and caution in the operation of the tanker truck with due regard for the rights and safety of others.

18. Defendant Predeoux was the operator and at all times relevant, had care, custody, control and/or supervision of the aforementioned vehicle.

19. That the injuries and ultimately loss of life sustained by Decedent was directly and proximately caused by the recklessness, carelessness and negligence of the Defendant Predeoux himself and were the direct and proximate result of Defendant Predeoux breaching his duty of care to the Decedent and that Defendant Predeoux was negligent in general and with respect to the following particulars:

- (a) driving the tanker truck in a negligent manner;
- (b) driving the tanker truck recklessly, carelessly, negligently and/or imprudently such that it left the roadway and/or lane of travel striking the Decedent;
- (c) in operating the tanker truck at a dangerous and excessive rate of speed;
- (d) driving the tanker truck in a careless, reckless, negligent and/or imprudent manner without due regard for road or traffic conditions in violation of 21 Del. C., §4176(a);
- (e) driving the tanker truck carelessly, recklessly, negligently and/or imprudently without due regard for the safety of persons or property in violation of 21 Del. C., 4175(a);
- (f) in failing to warn Decedent by sounding a horn or otherwise;
- (g) in failing to apply and/or operate the brakes of the tanker truck in such a manner that the tanker truck could be stopped before striking Decedent;
- (h) in failing to have the tanker truck under proper and adequate control;
- (i) in failing to steer the tanker truck in such a manner as to avoid striking Decedent;

- (j) in being inattentive and failing to maintain a sharp lookout of the road and surrounding traffic conditions in violation of 21 Del. C., §4176(b);
- (k) in failing to be in proper physical condition to operate the vehicle;
- (l) in being drowsy and/or falling asleep at the wheel of the tanker truck thereby causing it to leave the roadway and/or lane of travel thereby striking the Decedent;
- (m) failing to regard the rights, safety and position of the Decedent;
- (n) failing to observe the Decedent in a lawful position upon the highway and/or shoulder/berm of the highway;
- (o) failing to take due notice of the point and position of the Decedent;
- (p) failing to have the driver operate the vehicle so as to avoid striking Decedent;
- (q) in violating the statutes of the State of Delaware relating to the operation of motor vehicles on public thoroughfares;
- (r) in being vicarious liable for the negligence of others;
- (s) in not taking evasive action to avoid hitting Decedent;
- (t) in operating a vehicle causing death in violation of 21 Del. C., §4176A.

COUNT III

**Edward Wisniewski and Mary Wisniewski,
Co-Administrators of the Estate of Eric E. Wisniewski, Deceased,
Plaintiffs v. Ocean Petroleum, L.L.C., and Bruce Predeoux, Defendants**

Wrongful Death Action

20. Plaintiffs hereby incorporate by reference each and every allegation contained in Paragraphs one through nineteen, inclusive, as if the same had been fully set forth at length herein.

21. Plaintiffs bring this action by virtue of the Wrongful Death Act, 10 Del. C., §3724.

22. That by reason of the death of Plaintiffs' Decedent, his Estate and/or beneficiaries have suffered pecuniary losses, support and incurred expenses resulting from the injuries and death of the Decedent.

23. That by reason of the death of Plaintiffs' Decedent, his Estate and/or beneficiaries have incurred funeral expenses.

24. That by reason of the death of Plaintiffs' Decedent, his Estate and/or beneficiaries have suffered mental anguish.

25. That by reason of the death of Plaintiff's Decedent, his Estate and/or beneficiaries have incurred medical expenses.

26. That by reason of the death of Plaintiffs' Decedent, his Estate and/or beneficiaries have suffered the loss of contributions, support, comfort, companionship, counsel, aid, society, care, association and services of the Decedent and such other damages as are permissible in a wrongful death action.

COUNT IV

**Edward Wisniewski and Mary Wisniewski,
Co-Administrators of the Estate of Eric E. Wisniewski, Deceased,
Plaintiffs v. Ocean Petroleum, L.L.C., and Bruce Predeoux, Defendants**

Survival Action

27. Plaintiffs hereby incorporate by reference each and every allegation contained in Paragraphs one through twenty-six, inclusive, as if the same had been fully set forth at length herein.

28. The actions, described hereinabove, demonstrate that the death of the Decedent was proximately caused by the negligence, carelessness, recklessness and deliberate indifference of the Defendants.

29. Plaintiffs bring this action by virtue of the Survival Act 10 Del. C., §3701 et seq.

30. As a direct and proximate result of Defendants' aforesaid negligent, careless and/or reckless acts, Plaintiffs claim damages on behalf of the Decedent's Estate and its beneficiaries for the damages suffered by the Estate and the Estate's beneficiaries as a result of the death of the Decedent as well as:

- (a) For Decedent's conscious pain, suffering and inconvenience resulting from the above-described negligent and/or reckless acts;
- (b) Decedent's total estimated future earning power less his estimated cost of personal maintenance;
- (c) Decedent's loss of retirement and social security income;
- (d) Decedent's other financial losses suffered as a result of his death;
- (e) Decedent's loss of the enjoyment of life; and

(f) Such other damages as are permissible in a survival action.

WHEREFORE, Plaintiffs request damages, jointly and severally, from Defendants for special damages, punitive damages, compensatory damages, as well as interest and the cost of this action.

Dated: October 31, 2007

CAMPBELL & LEVINE, P.C.

By: /s/ Marla Rosoff Eskin
Marla R. Eskin, (DE 2989)
Kathryn Schulhaus Keller, (DE 4660)
800 North King Street
Suite 300
Wilmington, DE 19801
(302) 426-1900

-and-

Andrew J. Leger, Jr., (PA 43702)
LEGER & BALL, P.C.
330 Grant Street
Suite 3100
Pittsburgh, PA 15219
(412) 456-9700

Attorneys for Plaintiffs

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**THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY**

EDWARD WISNIEWSKI and)	CIVIL DIVISION
MARY WISNIEWSKI, Co-Administrators)	
of the Estate of Eric E. Wisniewski, Deceased,)	
)	
Plaintiffs,)	C.A. No. 07C-
)	
v.)	
)	
OCEAN PETROLEUM , L.L.C. and)	
BRUCE PREDEOUX,)	
)	
Defendant.)	

**PLAINTIFFS' ANSWERS TO
PERSONAL INJURY LITIGATION INTERROGATORIES**

1. Give the name and present or last-known residential and employment address and telephone number of each eyewitness to the incident which is the subject of the litigation.

Home:	Bruce W. Predeoux 29087 Raven Court Salsbury, MD 21801
Work:	7167 Worchester Highway Newark, MD 21841
Home Phone:	(410) 742-7740
Work Phone:	(410) 632-0400
Home:	Steven C. Dericco 1602 Chelmsford Circle Newark, DE 19702
Work:	57 Pier Head Boulevard Smyrna, DE 19977

Home Phone: (302) 602-1537
Work Phone: (302) 659-4050

Anthony J. Hassler
103 Cross Road
Salem NJ 08079

Home Phone: (856) 935-3661
Work Phone: (609) 368-1927
Dawn R. Taraila
2104 West 6th Street
Wilmington, DE 19805
(302) 690-2462

2. Give the name and present or last-known residential and employment address and telephone number of each person who has knowledge of the facts relating to the litigation.

Home: Bruce W. Predeoux
29087 Raven Court
Salsbury, MD 21801

Work: 7167 Worchester Highway
Newark, MD 21841

Home Phone: (410) 742-7740
Work Phone: (410) 632-0400

Home: Steven C. Dericco
1602 Chelmsford Circle
Newark, DE 19702

Work: 57 Pier Head Boulevard
Smyrna, DE 19977

Home Phone: (302) 602-1537
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Dawn R. Taraila
2104 West 6th Street
Wilmington, DE 19805
(302) 690-2462

James Catts
57 Pier Head Boulevard
Smyrna, DE 19977
(302) 659-4050

Howard McMurtrie
1020 Faulkner Way
Greensburg, PA 15601
(724) 832-8338

James Kenkel, Ph.D.
807 Academy Place
Pittsburgh, PA 15243
(412) 563-4128

Robert L. Miller, M.S.M.E., P.E.
CED/Accident Analysis, Inc.
2444 Holly Avenue
Annapolis, MD 21404
(410) 224-4235

Mary and Ed Wisniewski
107 Megan Drive
Bear, DE 19701
(302) 838-9167

Pati and Tom Manly
3751 NW 95th Avenue
Hollywood, FL 33024
(954) 704-9103

Eileen and Doug Wilkins
10176 Dasheen Avenue
Palm Beach Gardens, FL 33410
(561) 775-0647

Melinda Szotkiewicz
31 Trevett Boulevard
Newark, DE 19702-1447
(302) 893-0900

Jessica Remilliard
648 NW 88th Drive
Coral Springs, FL 33071
(954) 255-9227

Kristen Szotkiewitz
31 Trevett Boulevard
Newark, DE 19702-1447
(302) 737-3829

Matt & Amy McNicoll
19 Apple Lane
Elkton, MD 21921
(410) 620-6110

Elwood Evans
4617 Talley Hill Lane
Talleyville, DE 19803
(302) 764-5160

Irene Polowski
1323 New Churchmans Road
Newark, DE 19713
(302) 283-0615

Cpl. William Nottingham
Sgt. Matthew Cox
Cpl. Jeffrey Weaver
Cpl. Joseph Aube
Delaware State Police, Troop 1A
603 Philadelphia Pike
Wilmington, DE 19809
(302) 761-6677

Trp. Jason Russo
Cpl. Floyd McNally
Cpl. Walter Sherlock
TFC Antoine DeLach
Sgt. Scott McCarthy
Cpl. Edward Sebastianelli
Delaware State Police, Troop 9
414 Main Street
Odessa, DE 19730
(302) 378-5218

Tpr. Gerald Shields
Delaware State Police, Troop 3
3036 Upper King Road
Dover, DE 19904
(302) 697-4454

Cpl. Keith Lamey
Cpl. Dean Anderson
Cpl. Brian Bishop
Delaware State Police Motor Carrier
Safety Awareness Program

Representative
Townsend Fire Company
D 71 Omega Drive
Newark, DE 19713

Representatives
Ocean Petroleum LLC
P.O. Box 129
Newark, MD 21841
(410) 632-0400

D. Bruce Panasuk, M.D.
Gerald J. Fulda, M.D.
Dara DeVeinney, R.N.
Gary Witkin, M.D.
S. Barry Diznoff, M.D.
Chad McSilverberg, D.O.
Christine D. Emery, M.D.
Melissa Johnson
Nabeel R. Rana, M.D.
J. M. Harris, R.N.
Katherine Sahn, M.D.
Christiana Care Health System
P.O. Box 1668
Wilmington, DE
(302) 428-6801

Mark Reedy
NCC Paramedic
Kimberly Pish
NCC Paramedic
New Castle County EMS
NCC Government Center

87 Reads Way
New Castle, DE 19720
(302) 395-8184

Justin Staats
BLS Level 1
Townsend Fire Dept.
107 Main Street
Townsend, DE 19734
(302) 378-8111

3. Give the names of all persons who have been interviewed in connection with the above litigation, including the names and present or last-known residential and employment addresses and telephone numbers of the persons who made said interviews and the names and present or last-known residential and employment addresses and telephone numbers of persons who have the original and copies of the interview.

Home: Bruce W. Predeoux
29087 Raven Court
Salsbury, MD 21801

Work: 7167 Worchester Highway
Newark, MD 21841

Home Phone: (410) 742-7740

Work Phone: (410) 632-0400

BY: Delaware State Police
Statement remains in possession of Delaware State Police

Home: Steven C. Dericco
1602 Chelmsford Circle
Newark, DE 19702

Work: 57 Pier Head Boulevard
Smyrna, DE 19977

Home Phone: (302) 602-1537

Work Phone: (302) 659-4050

BY: Delaware State Police
Statement remains in possession of Delaware State Police

BY: Andrew J. Leger, Jr., Esquire
Statement remains in possession of Andrew J. Leger, Jr., Esquire

Anthony J. Hassler
103 Cross Road
Salem NJ 08079

Home Phone: (856) 935-3661
Work Phone: (609) 368-1927

BY: Delaware State Police
Statement remains in possession of Delaware State Police

Dawn R. Taraila
2104 West 6th Street
Wilmington, DE 19805
(302) 690-2462

BY: Delaware State Police
Statement remains in possession of Delaware State Police

Cpl. William Nottingham
Sgt. Matthew Cox
Cpl. Jeffrey Weaver
Cpl. Joseph Aube
Delaware State Police, Troop 1A
603 Philadelphia Pike
Wilmington, DE 19809
(302) 761-6677

Trp. Jason Russo
Cpl. Floyd McNally
Cpl. Walter Sherlock
TFC Antoine DeLach
Sgt. Scott McCarthy
Cpl. Edward Sebastianelli
Delaware State Police, Troop 9
414 Main Street
Odessa, DE 19730
(302) 378-5218

Tpr. Gerald Shields
Delaware State Police, Troop 3
3036 Upper King Road
Dover, DE 19904
(302) 697-4454

Cpl. Keith Lamey
Cpl. Dean Anderson
Cpl. Brian Bishop
Delaware State Police Motor Carrier
Safety Awareness Program

BY: Delaware State Police
Statement remains in possession of Delaware State Police

Mary and Ed Wisniewski
107 Megan Drive
Bear, DE 19701
(302) 838-9167

BY: Andrew J. Leger, Jr., Esquire
Statement remains in possession of Andrew J. Leger, Jr., Esquire

Pati and Tom Manly
3751 NW 95th Avenue
Hollywood, FL
(954) 704-9103

BY: Andrew J. Leger, Jr., Esquire
Statement remains in possession of Andrew J. Leger, Jr., Esquire

Eileen and Doug Wilkins
10176 Dasheen Avenue
Palm Beach Gardens, FL 33410
(561) 775-0647

BY: Andrew J. Leger, Jr., Esquire
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Melinda Szotkiewitz
31 Trevett Boulevard
Newark, DE 19702-1447
(302) 893-0900

BY: Andrew J. Leger, Jr., Esquire
Statement remains in possession of Andrew J. Leger, Jr., Esquire

Jessica Remilliard
648 NW 88th Drive
Coral Springs, FL 33071
(954) 255-9227

BY: Andrew J. Leger, Jr., Esquire
Statement remains in possession of Andrew J. Leger, Jr., Esquire

Matt & Amy McNicoll
19 Apple Lane
Elkton, MD 21921
(410) 620-6110

BY: Andrew J. Leger, Jr., Esquire
Statement remains in possession of Andrew J. Leger, Jr., Esquire

Elwood Evans
4617 Talley Hill Lane
Talleyville, DE 19803
(302) 764-5160

BY: Andrew J. Leger, Jr., Esquire
Statement remains in possession of Andrew J. Leger, Jr., Esquire

Irene Polowski
1323 New Churchmans Road
Newark, DE 19713
(302) 283-0615

BY: Andrew J. Leger, Jr., Esquire
Statement remains in possession of Andrew J. Leger, Jr., Esquire

4. Identify all photographs, diagrams, or other representations made in connection with the matter in litigation, giving the name and present or last-known residential and employment address and telephone number of the person having the original and copies thereof.

Delaware State Police
Howard McMurtrie
Robert L. Miller, M.S.M.E., Ph.D.
Andrew J. Leger, Jr., Esquire
SEE ATTACHED.

5. Give the name, professional address, and telephone number of all expert witnesses presently retained by the party together with the dates of any written opinions prepared by said expert. If an expert is not presently retained, describe by the type the experts whom the party expects to retain in connection with the litigation.

Howard McMurtrie
1020 Faulkner Way
Greensburg, PA 15601
(724) 832-8338

(Written Opinion dated February 14, 2007)

James Kenkel, Ph.D.
807 Academy Place
Pittsburgh, PA 15243
(412) 563-4128

(Written Opinion dated August 29, 2007)

D. Bruce Panasuk, M.D.
Gerald J. Fulda, M.D.
Nabeel R. Rana, M.D.
Christiana Care Health System
P.O. Box 1668
Wilmington, DE
(302) 428-6801

(Written Opinions dated February 2, 2005)

6. Give a brief description of any insurance policy, including excess coverage, that is or may be applicable to the litigation, including:

- (a) The name and address of all companies insuring the risk;
- (b) The policy number(s);
- (c) The type of insurance;
- (d) The amounts of primary, secondary, and excess coverage.

Zurich Insurance Company

13810 FNB Parkway
P.O. Box 542003
Omaha, NE 68154

Policy No: Unknown
Liability Insurance: \$1,000,000 Policy Limits

RSUI Group, Inc.
945 East Paces Ferry Road
Suite 1800
Atlanta, GA 30326-1125

Policy No: Unknown
Mandatory Excess Liability Insurance: \$5,000,000 Policy Limits

Progressive Classic Insurance Co.
800 Red Brooke Boulevard, #200
Owings Mills, MD 21117

Policy No: 15644738-6
Underinsured Motorist Coverage: \$20,000/\$40,000

Harleysville Insurance Co.
P.O. Box 140996
Nashville, TN 37214

Policy No: BA-4J 3334
Underinsured Motorist Coverage

7. Give the name, professional address, and telephone number of all physicians, chiropractors, psychologists, and physical therapists who have examined or treated you at any time during the ten year period immediately prior to the date of the incident at issue in this litigation.

Timothy O'Donnell, M.D.
North Bay Medical Associates
313 W. Main Street
Newark, DE
(302) 834-6800

Respectfully submitted,

CAMPBELL & LEVINE, P.C.

BY: /s/Kathryn S. Keller

Marla R. Eskin, (DE 2989)
Kathryn S. Keller, (DE 4660)
800 North King Street
Suite 300
Wilmington, DE 19801
(302) 426-1900

- and -

Andrew J. Leger, Jr., Esquire (PA 43702)
LEGER & BALL, P.C.
330 Grant Street
Suite 3100
Pittsburgh, PA 15219
(412) 456-9700

Attorneys for Plaintiffs

EFiled: Oct 31 2007 4:51 PM
Transaction ID 16888602
Case No. 07C-10-303 CLS



**THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY**

EDWARD WISNIEWSKI and)	NON-ARBITRATION
MARY WISNIEWSKI, Co-Administrators)	
of the Estate of Eric E. Wisniewski, Deceased,)	JURY TRIAL DEMANDED
)	
Plaintiffs,)	
)	
v.)	C.A. No. 07C-
)	
OCEAN PETROLEUM , L.L.C., and)	
BRUCE PREDEOUX,)	
)	
Defendants.)	

PLAINTIFFS' CIVIL RULE 3(h)

Due to the volume of documentary evidence gathered, it is impracticable to attach photocopies of all documents to the Complaint. Copies of all documents discoverable under this Rule will be forwarded to the Defendants once an appearance is made by Defendants' counsel.

CAMPBELL & LEVINE, LLC

By: /S/ Kathryn Schulhaus Keller
Marla Rosoff Eskin, (DE ID 2989)
Kathryn S. Keller, (DE ID 4660)
800 N. King Street, Suite 300
Wilmington, DE 19801
(302) 426-1900

and

LEGER & BALL, P.C.
Andrew J. Leger, Jr., (PA 43702)
330 Grant Street, Suite 3100
Pittsburgh, PA 15219
(412) 456-9700

Attorneys for Plaintiffs

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Plaintiffs,)	
)	
v.)	C.A. No. 07C-
)	
OCEAN PETROLEUM , L.L.C., and)	
BRUCE PREDEOUX,)	
)	
Defendants.)	

CERTIFICATION OF VALUE

I, Marla Rosoff Eskin, attorney for Plaintiffs, hereby certify in good faith at this time in my opinion that the sum of damages of all Plaintiffs is in excess of \$100,000.00, exclusive of costs and interest.

Date: October 31, 2007

CAMPBELL & LEVINE, LLC

By: /S/ Marla Rosoff Eskin
Marla Rosoff Eskin (DE ID 2989)
Kathryn S. Keller (DE ID 4660)
800 N. King Street, Suite 300
Wilmington, DE 19801
(302) 426-1900

- and -

LEGER & BALL, P.C.
Andrew J. Leger, Jr. (PA 43702)
330 Grant Street
Suite 3100
Pittsburgh, PA 15219
(412) 456-9700

Attorneys for Plaintiffs

12/17/07
Brew
8:43AM

e-file
2

Sheriff's Return

Served the within Summons and copy of the following complaint:

SUMMONS/COMPLAINT

this day, Monday, November 26, 2007, personally upon **HARRIET SMITH WINDSOR**, Secretary of State of the State of Delaware, by leaving with her a true and correct copy of the said Summons for the defendant:

OCEAN PETROLEUM & BRUCE PREDEOUX

and a copy of the Complaint for the said defendant, together with the sum of \$ 4.00 Dollars, as prescribed by Section 3104 of Title 10 of the Delaware Code of 1978.

So Answers,

J. Higdon

Jim Higdon
Sheriff of Kent County

FILED
2007 DEC 17 AM 8:18

EFiled: Dec 27 2007 3:03 PM
Transaction ID: 177990251
EFiled: Oct 31 2007 4:57 PM
Case No. 07C-10-303 CLS
Transaction ID: 1688802
Case No. 07C-10-303 CLS
SUMMON



**THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY**

EDWARD WISNIEWSKI and
MARY WISNIEWSKI, Co-Administrators
of the Estate of Eric E. Wisniewski, Deceased,

Plaintiffs,

v.

OCEAN PETROLEUM, L.L.C., and
BRUCE PREDEOUX,

Defendants.

NON-ARBITRATION

JURY TRIAL DEMANDED

C.A. No. 07C-

RECEIVED

NOV 26 2007

934
Secretary of State

2007 NOV - 8 AM 11:42

SHERIFF'S OFFICE
KENT COUNTY, DEL.

**THE STATE OF DELAWARE,
TO THE SHERIFF OF KENT COUNTY:
YOU ARE COMMANDED:**

To summons the above named defendant so that, within 20 days after service hereof upon defendants, exclusive of the day of service, defendants shall serve upon Marla Rosoff Eskin, Esquire, plaintiffs' attorney, whose address is 800 N. King Street, Suite 300, Wilmington DE 19801, an answer to the complaint (and, if an affidavit of demand has been filed, an affidavit of defense

2008 NOV 20 AM 11:50

SHERIFF'S OFFICE
KENT COUNTY, DEL.

To serve upon defendant a copy hereof and of the complaint (and of the affidavit of demand if any has been filed by plaintiff).

Dated: 11/6/07

SHARON AGNEW

Prothonotary

Per Deputy



TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on plaintiffs' attorney named above an answer to the complaint (and, if an affidavit of demand has been filed, an affidavit of defense), judgment by default will be rendered against you for the relief demanded in the complaint (or in the affidavit of demand, if any).

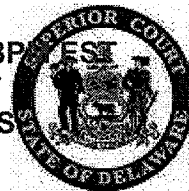
SHARON AGNEW

Prothonotary

Per Deputy



EFiled: Jan 8 2008 5:13P
Transaction ID 17948307
Case No. 07C-10-303 CLS



**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY**

EDWARD WISNIEWSKI and
MARY WISNIEWSKI, Co-Administrators
of the Estate of Eric E. Wisniewski, Deceased,

Plaintiffs,

v.

OCEAN PETROLEUM , L.L.C. and
BRUCE PREDEOUX,

Defendants.

C.A. No. 07C-10-303 CLS

AMENDMENT TO COMPLAINT

(Mailing Affidavit)

STATE OF DELAWARE :
:
NEW CASTLE COUNTY :

On January 8, 2008, personally appeared before me, Kathryn S. Keller, who by me being duly sworn did depose and say that:

1. She is an attorney with Campbell & Levine, LLC, the attorneys of record, for Plaintiffs in the above-captioned case.

2. She did cause to be mailed by registered mail on December 18, 2007, return receipt requested, a copy of the return of service of process by the Sheriff of Kent County on the Secretary of State of Delaware, as well as a copy of the Original Complaint and the Notice required under 10 Del.C., §3104 to Defendant Ocean Petroleum, L.L.C., whose principal place of business is located at 7167 Worchester Highway, Newark, Maryland, 21841.

3. As of January 4, 2008, Plaintiffs' attorneys had not received the executed acknowledgement of delivery. Plaintiffs' attorneys contacted the United States Post Office located at 500 Delaware Ave, Suite 1, Wilmington, Delaware 19801-7413 inquiring into the status of the delivery. A United States Postal agent confirmed that the document had been delivered to Defendant at the above-listed address and emailed Plaintiffs' counsel a copy of the executed acknowledged that is attached herewith.

Dated: January 8, 2008

CAMPBELL & LEVINE, LLC

By: /s/Kathryn S. Keller
Kathryn S. Keller (DE 4660)
800 North King Street
Suite 300
Wilmington, DE 19801
(302) 426-1900

Attorney for Plaintiffs

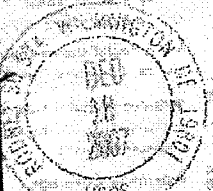
SWORN TO AND SUBSCRIBED before me the day and year aforesaid.

/s/Bruce Campbell
NOTARY PUBLIC

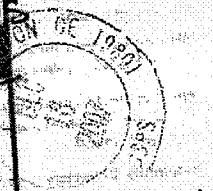
EFiled: Jan 8 2008 5:13P
Transaction ID 17948307
Case No. 07C-10-303 CLS



EXHIBIT A

Registered No. DE 215536878 US		Date Stamp 
Reg. Fee 9.50		
Handling Charge	Return Receipt 2.15	
Postage 4.10	Restricted Delivery <input checked="" type="checkbox"/>	
Received by [Signature]		
Customer Must Declare Full Value \$		Domestic Insurance up to \$25,000 is included in the fee. International indemnity is limited. (See Reverse).
<input type="checkbox"/> With Postal Insurance <input checked="" type="checkbox"/> Without Postal Insurance		
OFFICIAL USE 1387		
FROM Campbell & Levine, LLC 800 N. King St., Ste. 300 Wilmington, DE 19801		
TO Mr. Bruce Pedoux 29087 Raven Court Salisbury, MD 21801		

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer
 May 2004 (7530-02-000-9051) (See Information on Reverse)
 For domestic delivery information, visit our website at www.usps.com

Registered No. DE 338528880 US		Date Stamp 
Reg. Fee 9.50		
Handling Charge	Return Receipt 2.15	
Postage 4.60	Restricted Delivery	
Received by [Signature]		
Customer Must Declare Full Value \$		Domestic Insurance up to \$25,000 is included in the fee. International indemnity is limited. (See Reverse).
<input type="checkbox"/> With Postal Insurance <input checked="" type="checkbox"/> Without Postal Insurance		
OFFICIAL USE 1387		
FROM Campbell & Levine, LLC 800 N. King St., Suite 300 Wilmington, DE 19801		
TO Ocean Petroleum, L.L.C. Attention: Officer/Manager or General Agent (any other authorized) Agent to accept service of process 767 Worcester Hwy, Newark, MD 21841		

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer
 May 2004 (7530-02-000-9051) (See Information on Reverse)
 For domestic delivery information, visit our website at www.usps.com

31/04/2008 13:32 13027771525

RODNEY SQUARE

PAGE 01

Direct Query - Intranet


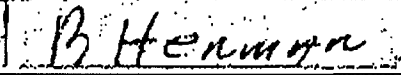
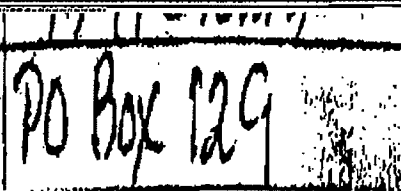
Page 1 of 1

302-426-9947



Track/Confirm - Intranet Item Inquiry
Item Number: RE33 8588 880U S

This Item was delivered on 12/20/2007 at 09:50

Signature:	 
Address:	

Enter Request Type and Item Number:

Quick Search ☒

Extensive Search ☐

Explanation of Quick and Extensive Searches

Submit

Version 1.0

Inquire on multiple items.

Go to the Product Tracking System Home Page.